

IN THE COUNTY COURT, POLK COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

BRANDON LEE CASE

Defendant.

UCN: 532021MM006542A000BA
CASE NO. (21MM006542BA)

**MOTION FOR SANCTIONS FOR FAILURE TO COMPLY WITH A RULE OF
DISCOVERY AND REQUEST FOR HEARING**

COMES NOW the Defendant, by and through counsel, pursuant to Rule 3.220(n)(1), Fla. R. Crim. P., and moves this Court for the entry of an Order sanctioning the State of Florida for failure to comply with an applicable discovery rule. In support of said motion, the Defendant would represent the following:

1. Defendant is represented by the Office of the Public Defender, 10th Judicial Circuit of Florida, in the above-styled cause.
2. A charging document has been filed.
3. Defendant, through counsel, has elected to participate in the discovery process by filing with the court and serving on the prosecuting attorney a Notice of Discovery, pursuant to Rule 3.220(a), Fla. R. Crim. P.
4. More than 15 days after filing of the charging document or service of the Notice of Discovery, whichever occurred last, has elapsed.
5. A written Discovery Exhibit containing the information specified in Rule 3.220(b), Fla. R. Crim. P. has not been timely served.
6. A Notice of Failure To Comply with an applicable discovery rule was filed with this Court and served upon the prosecuting attorney on November 18, 2021.
7. Failure to timely provide the Discovery Exhibit as required has adversely impacted Defendant's ability to participate in the discovery process.

WHEREFORE, Defendant requests this Court timely schedule a hearing on this motion thereafter impose a sanction in accordance with Rule 3.220(n)(1), Fla. R. Crim. P.

HOWARD L. "REX" DIMMIG, II
Public Defender

/s/CHRISTOPHER PEREZ
CHRISTOPHER PEREZ
FLORIDA BAR #0124210
Assistant Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to The Office of the State Attorney by electronic transmission this 20th day of December, 2021.

HOWARD L. "REX" DIMMIG, II
Public Defender

/s/CHRISTOPHER PEREZ
CHRISTOPHER PEREZ
FLORIDA BAR #0124210
Assistant Public Defender